Department of Real Estate 320 West Fourth Street, Ste. 350 Los Angeles, California 90013

FILED

APR 28 2010

DEPARTMENT OF REAL E

Telephone: (213) 576-6982

4

1

2

3

5 6

7

8

9

10

11

To:

12

13

14 15

16

17

18 19

20 21

22

23 24

25

27

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

No. H-36619 LA FRANK J. SZABO, dba Alliance Financial & Real Estate Group, Inc. ORDER TO DESIST AND REFRAIN (B&P Code Section 10086) Respondent.

The Commissioner ("Commissioner") of the California Department of Real Estate ("Department") caused an investigation to be made of the activities of FRANK J. SZABO ("SZABO"). Based on that investigation the Commissioner has determined that SZABO has engaged in or is engaging in acts or is attempting to engage in practices constituting violations of the California Business and Professions Code ("Code") and/or Title 10, California Code of Regulations ("Regulations"), including the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Code Section 10131(d) (performing services for borrowers in

connection with loans secured by real property). Based on the findings of that investigation, set forth below, the Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

PRIOR HISTORY

On July 15, 1992, in the State of California Department of Real Estate case no. H-01413 SA, an Order to Desist and Refrain was filed. Respondent was ordered to immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required.

FINDINGS OF FACT

- 1. SZABO is not now, and has never been, licensed by the Department in any capacity.
- 2. At the time set forth below, SZABO solicited borrowers and negotiated loans secured by liens on real property for compensation or in expectation of compensation and for fees collected in advance of the transaction.
- 3. On or about May 12, 2008, SZABO solicited Donald Petrouski to pay an advance fee of \$2,150 to complete a loan application for a mortgage loan. SZABO provided Petrouski with a business card identifying SZABO as 'Sr. Partner/ President' of Alliance Financial & Real Estate Group, Inc. On that date, Petrouski paid SZABO \$2,150.

27 | //

//

CONCLUSIONS OF LAW

4. Based on the information contained in Paragraphs 1 through 3, SZABO violated Section 10130 of the Code by engaging in the activities without first obtaining a broker license from the Department.

DESIST AND REFRAIN ORDER

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, it is hereby ordered that you, FRANK J. SZABO, whether doing business under your own name, or any fictitious name, immediately desist and refrain from:

performing any acts within the State of California for which a real estate broker license is required, unless you are so licensed;

IT IS FURTHER ORDERED THAT YOU, FRANK J. SZABO:

1. Immediately desist and refrain from charging, demanding, claiming, collecting and/or receiving advance fees, as that term is defined in Section 10026 of the Code, in any form, and under any conditions, with respect to the performance of loan modifications or any other form of mortgage loan forbearance service in connection with loans on residential property containing four or fewer dwelling units (Code Section 10085.6); and

24 //

25 //

26 /

27 | /

2. Immediately desist and refrain from charging, 1 demanding, claiming, collecting and/or receiving advance fees, 2 as that term is defined in Section 10026 of the Code, for any 3 other real estate related services offered by you to others. 4 5 6 JEFF DAVI 7 Real Estate Commissioner 8 9 10 BY: Barbara J. Bigby Chief Deputy Commissioner
Business and Professions Code Section 10139 provides 11 that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words 12 indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a 13 fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars 15 (\$60,000)."16 17 18 19 2.0 21 22 23 CC: FRANK J. SZABO 24 35914 Breda Avenue Murrieta, CA 92563-4401 25 26

27